

## EXHIBIT J

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7 Attorneys for Defendants  
8 Collins Financial Services, Inc. and  
Nelson & Kennard  
9

10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA  
12

13 DAVID TOURGEMAN,

14 Plaintiff,

15 vs.

16 COLLINS FINANCIAL SERVICES,  
17 INC., a corporation; NELSON &  
KENNARD, a partnership, DELL  
18 FINANCIAL SERVICES, L.P., a  
limited partnership; DFS  
19 ACCEPTANCE, a corporation, DFS  
PRODUCTION, a corporation,  
20 AMERICAN INVESTMENT BANK,  
N.A., a corporation; and DOES 1  
21 through 10, inclusive,

22 Defendants.  
23

CASE NO. 08-CV-1392 JLS NLS

**DEFENDANT NELSON &  
KENNARD'S SUPPLEMENTAL  
RESPONSE TO PLAINTIFF'S  
REQUESTS FOR PRODUCTION,  
SET ONE**

24 PROPOUNDING PARTY:

Plaintiff DAVID TOURGEMAN

25 RESPONDING PARTY:

Defendant NELSON & KENNARD

26 SET NO.:

ONE  
27  
28

1 Defendant Nelson & Kennard ("Defendant") hereby objects and responds to  
2 plaintiff David Tourgeman's ("Plaintiff") Requests for Production of Documents, Set  
3 One as follows:

4  
5 **PRELIMINARY STATEMENT**

6 Defendant has not completed its investigation and discovery in this action. The  
7 responses are based only upon Defendant's knowledge as of the date of these  
8 responses, and are given without prejudice to Defendant's right to produce  
9 subsequently discovered information or documents.

10  
11 **GENERAL OBJECTIONS**

12 The General Objections asserted below shall be deemed to be applicable to  
13 each of Plaintiff's Requests, and are incorporated into each and every specific  
14 response to each Request set forth. Such General Objections are not waived, nor in  
15 any way limited by any further objection to any specific Request.

16 A. Defendant objects to each Request to the extent that it is overbroad and  
17 subjects Defendant to unreasonable and undue annoyance, oppression, burden and  
18 expense and seeks information which is not relevant to the subject matter of this  
19 lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.

20 B. Defendant objects to each Request to the extent that it seeks materials  
21 which are not in the possession, custody or control of Defendant and/or which are  
22 equally or more readily available to Plaintiff.

23 C. To the extent that any Request, Definition or Instruction may be construed  
24 as requiring Defendant to characterize documents or their contents or to speculate as  
25 to what documents may or may not show, Defendant objects to such Request as  
26 vague, ambiguous and calling for legal conclusions and speculation.

27 D. Defendant objects to each Request to the extent it seeks information which  
28 constitutes, reflects, or contains communications between counsel and Defendant on

1 the grounds that such communications are protected from discovery by virtue of the  
2 attorney-client privilege, the joint defense privilege, or any other recognized privilege  
3 or immunity. Defendant further objects to each Request to the extent it calls for  
4 information that may reflect or contain attorney work product, on the grounds that  
5 such information is protected from discovery by virtue of the attorney work product  
6 doctrine.

7 E. Defendant objects to each and every Request to the extent that it seeks  
8 proprietary information, trade secrets, or information subject to protective orders,  
9 confidentiality agreements, or statutory provisions that bar the disclosure of that  
10 information without the consent of third parties.

11 F. In responding to Plaintiff's Requests, to the extent not otherwise objected  
12 to, Defendant has used reasonable diligence to locate responsive documents and  
13 things. To the extent Plaintiff seeks to require Defendant to do more than that,  
14 Defendant objects to each Request, on the grounds it is overly broad, oppressive and  
15 unduly burdensome.

16 G. Defendant objects to each and every Request to the extent such Requests  
17 seek to impose obligations beyond those permitted under the Rules of Civil  
18 Procedure.

19 H. Defendant objects to each and every Request to the extent such Requests  
20 call for production of pleadings or other materials already produced in this case.

21 I. Defendant objects to Plaintiff's definitions of the defined terms  
22 "NELSON," "YOU" and "YOUR" as overbroad, vague and ambiguous, and to the  
23 extent that by using such terms as defined by Plaintiff, Plaintiff seeks documents not  
24 in the possession, custody or control of Defendant. Unless otherwise indicated,  
25 Defendant will only produce documents and information maintained by defendant  
26 Nelson & Kennard.

27 //

28 //

**SUPPLEMENTAL RESPONSES TO**  
**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**DOCUMENT REQUEST NO. 3:**

Please produce ALL DOCUMENTS CONCERNING the duties and responsibilities of NELSON employees who receive data RELATING to alleged debts.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 3:**

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the term "receive data RELATING to alleged debts." Nelson & Kennard is a debt collection law firm and the request could be read to cover virtually every employee of the firm. Defendant also objects to this Request on the grounds that it is overbroad, unduly burdensome and oppressive, and to the extent that it seeks information which is not relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff does not claim that his account data was altered by Nelson & Kennard because the firm employed faulty procedures for "receiving debt related information." Rather, Plaintiff alleges that he paid Dell in full for his computer before the account was ever sold to Collins Financial Services. Any "debt related information" concerning his account, was according to Plaintiff's theory, already inaccurate when it was sold to Collins. The law firm's policies relating to receiving "debt related information" from its client are not relevant. Defendant further objects to this Request to the extent that it seeks proprietary information, trade secret information, information subject to protective orders, confidentiality agreements, or statutory provisions that bar the disclosure of that information without the consent of third parties and to the extent that it seeks information subject to the attorney-client privilege or the attorney work product doctrine.

1 Subject to and without waiving the forgoing objections or the General  
2 Objections, Defendant responds as follows: Assuming that Plaintiff seeks  
3 information regarding the specific duties and procedures of the persons responsible  
4 for uploading the account data received from clients at the time an account is placed  
5 for collection with Defendant, Defendant will produce responsive documents.

6  
7 **DOCUMENT REQUEST NO. 4:**

8 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and  
9 guidelines for investigating alleged debts.

10 **SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 4:**

11 Defendant objects to this Request on the grounds that it is vague and  
12 ambiguous as to the term "investigating alleged debts."

13 Subject to and without waiving the forgoing objections or the General  
14 Objections, Defendant responds as follows: Assuming that Plaintiff seeks  
15 information about policies and procedures related to ensuring that the data placed  
16 with Defendant by its client is accurately uploaded into its computer systems, the  
17 skiptracing procedures utilized by the firm, and the policies and procedures of the  
18 firm for handling any dispute of an account by a debtor, Defendant will produce  
19 responsive documents.

20  
21 **DOCUMENT REQUEST NO. 5:**

22 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and  
23 guidelines for filing a lawsuit against an alleged debtor.

24 **SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 5:**

25 Defendant objects to this Request on the grounds that it is overbroad, unduly  
26 burdensome and oppressive, and to the extent that it seeks information which is not  
27 relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the  
28 discovery of admissible evidence. Nelson & Kennard is a collection law firm with a

1 number of clients. The request is so vague and broad and written it could potentially  
2 be read to request copies of every document maintained by the firm.

3 Subject to and without waiving the forgoing objections or the General  
4 Objections, Defendant responds as follows: Assuming that Plaintiff seeks documents  
5 related to written policies and guidelines for filing suit against a debtor, without  
6 waiving any objection that the requested documents are protected by the attorney-  
7 client privilege or attorney work product doctrine, Defendant will produce responsive  
8 documents.

9  
10 **DOCUMENT REQUEST NO. 6:**

11 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and  
12 guidelines for dismissing a complaint against an alleged debtor.

13 **SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 6:**

14 Defendant objects to this Request on the grounds that it is overbroad, unduly  
15 burdensome and oppressive, and to the extent that it seeks information which is not  
16 relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the  
17 discovery of admissible evidence. Nelson & Kennard is a collection law firm with a  
18 number of clients. Decisions to dismiss particular lawsuits on behalf of particular  
19 clients will necessarily be made on a case by case basis, in light of the status  
20 of the case and various other factors that may be considered by the attorney.

21 Subject to and without waiving the forgoing objections or the General  
22 Objections, Defendant responds as follows: Without waiving any objection that the  
23 requested documents are protected by the attorney-client privilege or attorney work  
24 product doctrine, Defendant will produce documents, to the extent any exist, which  
25 relate to its general standards for dismissing collection complaints.

26

27

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1 **DOCUMENT REQUEST NO. 27:**

2 Please produce ALL DOCUMENTS that RELATE TO NELSON's phone calls,  
3 including but not limited to phone records and call logs, placed to David Tourgeman,  
4 Cesar Tourgeman, Rebecca Tourgeman or anyone else for the purposes of collecting  
5 David Tourgeman's alleged debt.

6 **SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 27:**

7 Subject to and without waiving the General Objections, Defendant has already  
8 produced non-privileged documents responsive to this Request.

9  
10 **DOCUMENT REQUEST NO. 29:**

11 Please produce ALL DOCUMENTS that RELATE TO NELSON'S contracts  
12 with skip-tracing services and other data providers YOU use to find current  
13 information for any alleged debtor.

14 **RESPONSE TO DOCUMENT REQUEST NO. 29:**

15 Defendant also objects to this Request on the grounds that it is overbroad,  
16 unduly burdensome and oppressive, and to the extent that it seeks information which  
17 is not relevant to the subject matter of this lawsuit, nor reasonably calculated to lead  
18 to the discovery of admissible evidence. Subject to and without waiving the forgoing  
19 objections or the General Objections, Defendant responds as follows: Defendant will  
20 produce responsive documents.

21  
22 DATED: January 26, 2010

SIMMONDS & NARITA LLP  
TOMIO B. NARITA

23  
24  
25 By: 

26 Tomio B. Narita  
27 Attorneys for Defendants  
28 Collins Financial Services, Inc. and  
Nelson & Kennard



PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816.

I am readily familiar with the business practices of my employer, Simmonds & Narita LLP, for the processing of correspondence by mailing with the United States Postal Service and that said correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

On this date, I served a copy of the following document:

- 1) **DEFENDANT NELSON & KENNARD'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S REQUESTS FOR PRODUCTION, SET ONE**

by causing such document to be mailed to the address indicated below:

VIA U.S. MAIL

Daniel P. Murphy  
4691 Torrey Circle A306  
San Diego, CA 92130  
counsel for Plaintiff

Francis A. Bottini, Brett M. Weaver, Derek J. Wilson  
Johnson Bottini, LLP  
501 West Broadway, Suite 1720  
San Diego, CA 92101  
counsel for Plaintiff

Wayne Call and Kent R. Christensen  
Call & Jensen, P.C.  
610 Newport Center Dr., Suite 700  
Newport Beach, CA 92660

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1 I declare under penalty of perjury that the foregoing is true and  
2 correct. Executed at San Francisco, California on this 26th day of January, 2010.

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6 Stephanie Schmitt  
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1 MICHAEL R. SIMMONDS (SBN 96238)  
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12 Attorneys for Defendants  
13 Collins Financial Services, Inc. and  
14 Nelson & Kennard

15 UNITED STATES DISTRICT COURT  
16 SOUTHERN DISTRICT OF CALIFORNIA

17 DAVID TOURGEMAN,

18 Plaintiff,

19 vs.

20 COLLINS FINANCIAL SERVICES,  
21 INC., a corporation; NELSON &  
22 KENNARD, a partnership, DELL  
23 FINANCIAL SERVICES, L.P., a  
24 limited partnership; DFS  
25 ACCEPTANCE, a corporation, DFS  
26 PRODUCTION, a corporation,  
27 AMERICAN INVESTMENT BANK,  
28 N.A., a corporation; and DOES 1  
through 10, inclusive,

Defendants.

CASE NO. 08-CV-1392 JLS NLS

**DEFENDANT NELSON &  
KENNARD'S SUPPLEMENTAL  
RESPONSE TO PLAINTIFF'S  
SPECIAL INTERROGATORIES, SET  
ONE**

PROPOUNDING PARTY:

Plaintiff DAVID TOURGEMAN

RESPONDING PARTY:

Defendant NELSON & KENNARD

SET NO.:

ONE

1 Defendant Nelson & Kennard ("Defendant") hereby objects and responds to  
2 plaintiff David Tourgeman's ("Plaintiff") Special Interrogatories, Set One as follows:

3  
4 **PRELIMINARY STATEMENT**

5 Defendant has not completed its investigation and discovery in this action.  
6 The responses are based only upon Defendant's knowledge as of the date of these  
7 responses, and are given without prejudice to Defendant's right to produce  
8 subsequently discovered information or documents.

9  
10 **GENERAL OBJECTIONS**

11 The following general objections are expressly incorporated into each of the  
12 specific responses set forth below:

13 A. Defendant objects to producing any information or documents which  
14 constitute, reflect, or contain communications with counsel on the grounds that such  
15 communications are protected from discovery by virtue of the attorney-client  
16 privilege and/or the joint defense privilege. Defendant further objects to each  
17 interrogatory to the extent that it calls for information or documents which reflect or  
18 contain attorney work product on the grounds that such information or documents are  
19 protected from discovery by virtue of the attorney work product doctrine.

20 B. Defendant objects to each interrogatory to the extent that it is overbroad  
21 and subjects Defendant to unreasonable and undue annoyance, oppression, burden,  
22 and expense, and seeks information which is not relevant to the subject matter of this  
23 lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence.

24 C. Defendant objects to each interrogatory to the extent that it seeks materials  
25 or information which are not in the possession, custody or control of Defendant,  
26 and/or which are equally or more readily available to Plaintiff.

27 D. Defendant objects to each interrogatory to the extent that it is  
28 unreasonably cumulative and duplicative of other discovery in this action.

1 E. Defendant objects to each and every interrogatory to the extent that it  
 2 seeks proprietary information, trade secrets, or information subject to protective  
 3 orders, confidentiality agreements, rights of privacy or statutory provisions that bar  
 4 the disclosure of that information without the consent of third parties.

5 F. Defendant objects to Plaintiff's "Instructions" and each and every  
 6 interrogatory to the extent that they seek to impose burdens upon Defendant in excess  
 7 of what is required under the Federal Rules of Civil Procedure.

8 G. Defendant objects to Plaintiff's definitions of the defined terms  
 9 "NELSON," "YOU" and "YOUR" as overbroad, vague and ambiguous. Unless  
 10 otherwise stated, these responses are made solely on behalf of Nelson & Kennard.

## 11 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

### 12 **INTERROGATORY NO. 1:**

13  
 14 Please identify the number of persons and entities in the United States who you  
 15 contacted for the purposes of debt collection from July 31, 2007 to the present.

16 [Definitions omitted].

### 17 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

18 Defendant objects to this Interrogatory on the grounds that it is overbroad,  
 19 unduly burdensome and oppressive, and seeks information which is not relevant to  
 20 the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of  
 21 admissible evidence. In this action, Plaintiff alleges that Defendants sought to collect  
 22 a debt for a Dell computer, despite the fact that Plaintiff had allegedly paid for the  
 23 computer in full. Plaintiff admits, however, that he has no documentation to show  
 24 that he paid the debt in full. Plaintiff also claims that Defendants filed suit against  
 25 him in the wrong judicial district. Plaintiff has not alleged, and cannot allege, that  
 26 every consumer that Defendants tried to collect from had already paid their debt in  
 27 full. Plaintiff has not alleged, and cannot allege, that every lawsuit that was filed by  
 28

1 Defendants was filed in the wrong judicial district. Plaintiff has not alleged that  
 2 Defendant violated federal or state law with respect to every single person or entity in  
 3 the United States that it contacted for purposes of debt collection, nor could he make  
 4 such a claim. There is no basis for asking for the total number of persons contacted.  
 5 Plaintiff is simply attempting to impose undue burden and expense on Defendant.  
 6 Further, Defendant does not concede that Plaintiff may pursue this action as a  
 7 purported class action nor does Defendant concede that, even if class treatment were  
 8 appropriate, that a class action is proper here, or that Plaintiff is a proper class  
 9 representative with standing to pursue claims on behalf of a purported class. At best,  
 10 the Interrogatory is premature. Subject to and without waiving the foregoing and the  
 11 General Objections, Defendant responds as follows:

12 Nelson & Kennard engaged in the business of collecting debts. To do so, the  
 13 firm not only "contacts" debtors, but it also obtains location information from third  
 14 parties, interacts with courts, interacts with attorneys, corresponds and communicates  
 15 with its clients and with other third parties in course of its business. Any of these  
 16 persons or entities could be someone who was "contacted" by the firm for "the  
 17 purposes of debt collection." The firm does not track every single person or entity  
 18 that it ever makes contact with, so this interrogatory in its present form is  
 19 unanswerable, and Plaintiff has not agreed to narrow its scope.

20 Defendant admits that it attempted to contact more than forty debtors in an  
 21 attempt to collect a debt during the period between July 31, 2007 to the present.

22  
 23 **INTERROGATORY NO. 2:**

24 Please identify the number of persons and entities in the United States who you  
 25 sued for the purposes of debt collection from July 31, 2006 to the present.

26 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

27 Defendant objects to this Interrogatory on the grounds that it is overbroad,  
 28 unduly burdensome and oppressive, and seeks information which is not relevant to

the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff claims that Defendants sought to collect a debt for a Dell computer, despite the fact that he had allegedly paid for the computer in full. Plaintiff admits, however, that he has no documentation to show that he paid the debt in full. Plaintiff also claims that Defendants filed suit against him in the wrong judicial district. Plaintiff has not alleged, and cannot allege, that every consumer that Defendants tried to collect from had already paid their debt in full. Plaintiff has not alleged, and cannot allege, that every lawsuit that was filed by Defendants was filed in the wrong judicial district. Plaintiff has not alleged that Defendants violated federal or state law with respect to every person or entity in the United States that was sued by Defendants. There is no basis for asking Defendants for the total number of persons or entities sued. Plaintiff is simply attempting to impose undue burden and expense on Defendant. Further, Defendant does not concede that Plaintiff may pursue this action as a purported class action nor does Defendant concede that, even if class treatment were appropriate, that a class action is proper here, or that Plaintiff is a proper class representative with standing to pursue claims on behalf of a purported class. At best, the Interrogatory is premature.

Subject to and without waiving the foregoing and the General Objections, Defendant responds as follows: From July 31, 2006 to the present, Defendant has filed suit against more than forty debtors.

**INTERROGATORY NO. 4:**

Please state the form of NELSON's organization and the date and place the organization was organized and registered and/or licensed to do business.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

Defendant objects to this Interrogatory on the grounds that it seeks information which is not relevant to the subject matter of this lawsuit, nor reasonably calculated to

1 lead to the discovery of admissible evidence. Subject to and without waiving the  
2 forgoing objection or the General Objections, Defendant responds as follows:

3 Defendant is a California partnership. It is licensed to do business by the  
4 county of Sacramento and its attorneys are licensed to practice law in the State of  
5 California. Defendant also maintains a collection agency license in the State of  
6 Washington.

7  
8 **INTERROGATORY NO. 5:**

9 Please describe NELSON's procedures and policies for receiving debt related  
10 information from NELSON's client.

11 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

12 Defendant objects to this Interrogatory on the grounds that it is vague and  
13 ambiguous as to the terms "receiving debt related information" and "NELSON's  
14 client." This interrogatory is too vague to be answered in its current form and  
15 Plaintiff has refused to clarify or narrow it. Nelson & Kennard has a number of  
16 different clients and it employs various methods with respect to handling the data  
17 supplied by each of those clients. Defendant also objects to this Interrogatory on the  
18 grounds that it is overbroad, unduly burdensome and oppressive, and to the extent  
19 that it seeks information which is not relevant to the subject matter of this lawsuit,  
20 nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff  
21 does not claim that his account data was altered by Nelson & Kennard because the  
22 firm employed faulty procedures for "receiving debt related information." Rather,  
23 Plaintiff alleges that he paid Dell in full for his computer before the account was ever  
24 sold to Collins Financial Services. Any "debt related information" concerning his  
25 account, was according to Plaintiff's theory, already inaccurate when it was sold to  
26 Collins. The law firm's policies relating to receiving "debt related information" from  
27 its client are not relevant. Defendant further objects to this Interrogatory to the extent  
28 that it seeks proprietary information, trade secret information, information subject to



1 protective orders, confidentiality agreements, or statutory provisions that bar the  
2 disclosure of that information without the consent of third parties and to the extent  
3 that it seeks information subject to the attorney-client privilege or the attorney work  
4 product doctrine.

5 Subject to and without waiving the forgoing objection or the General  
6 Objections, Defendant responds as follows: Pursuant to Federal Rule of Civil  
7 Procedure 33(d), Defendant will produce documents responsive to this Interrogatory.

8  
9 **INTERROGATORY NO. 7:**

10 Please describe NELSON's procedures and policies for filing a lawsuit for  
11 breach of contract on behalf of NELSON's client.

12 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

13 Defendant objects to this Interrogatory on the grounds that it is vague and  
14 ambiguous as to the terms "procedures and policies for filing a lawsuit" and  
15 "NELSON's client." Nelson & Kennard has a number of clients and it employs  
16 various methods on behalf of those clients. For purposes of responding to this  
17 interrogatory, Defendant will assume that the client references is Collins Financial  
18 Services. Defendant also objects to this Interrogatory on the grounds that it is  
19 overbroad, unduly burdensome and oppressive, and to the extent that it seeks  
20 information which is not relevant to the subject matter of this lawsuit, nor reasonably  
21 calculated to lead to the discovery of admissible evidence. Defendant further objects  
22 to this Interrogatory to the extent that it seeks proprietary information, trade secret  
23 information, information subject to protective orders, confidentiality agreements, or  
24 statutory provisions that bar the disclosure of that information without the consent of  
25 third parties and to the extent that it seeks information subject to the attorney-client  
26 privilege or the attorney work product doctrine. Subject to and without waiving the  
27 forgoing objection or the General Objections, Defendant responds as follows:  
28

1       Once the firm makes a decision to file suit, an employee of the firm will  
2 prepare a draft complaint on a California Judicial Council form based on the  
3 information received from the client or otherwise available to the firm. The draft  
4 complaint is then forwarded to an attorney for review. The reviewing attorney  
5 examines the information available to the firm concerning the account and reviews  
6 the complaint to ensure that the information plead in it, *i.e.*, the Plaintiff's name, the  
7 name of the original creditor, the name of the debtor, the date of the breach of the  
8 obligation sued upon, the date of charge-off, amount at issue and type of debt  
9 (revolving line of credit or loan, for example) matches the information provided by  
10 Defendant's client. The attorney also reviews the complaint to ensure that the  
11 exemplar terms and conditions attached as an exhibit, if any, are those that were  
12 provided to Defendant in connection with the subject account.

13       Further, the attorney reviews the notes made on the debtor's account to confirm  
14 that a letter has been sent to the debtor informing him that if the collection action is  
15 filed, Collins Financial Services, Inc. might be entitled to recover its reasonable  
16 attorney's fees and court costs as allowed by law in addition to the principal and  
17 interest owed. The attorney also reviews the billing and/or delivery addresses  
18 reflected in the account media that was provided by Defendant's client related to the  
19 subject account, as well as the results of the skiptracing work of the office staff,  
20 including the notes made regarding letters sent and received and any notes made  
21 regarding forwarding or returning of mail or telephone contact in order to verify the  
22 debtor's county of residence. The attorney also reviews the account media in order  
23 to confirm the date of last payment received by the original creditor in order to  
24 confirm that a suit is "in statute" at the time it is filed. Finally, the attorney confirms  
25 based upon the information available to the firm that the suit is being filed in the  
26 correct judicial district.

**INTERROGATORY NO. 16:**

Please identify the number of demand letters NELSON sent to alleged debtors from July 2006 to the present.

**RESPONSE TO INTERROGATORY NO. 16:**

Defendant also objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive, and to the extent that it seeks information which is not relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence. This case does not challenge the contents of any demand letter sent by Nelson & Kennard, nor does Plaintiff seek to certify a class of debtors who received letters. There is no basis for demanding that the firm disclose how many letters were sent. Defendant does not concede that Plaintiff may pursue this action as a purported class action nor does Defendant concede that, even if class treatment were appropriate, that a class action is proper here, or that Plaintiff is a proper class representative with standing to pursue claims on behalf of a purported class. At best, the Interrogatory is premature.

Subject to and without waiving the foregoing and the General Objections, Defendant responds as follows: From July 2006 to the present, Defendant sent letters to more than forty debtors in an attempt to collect a debt.

DATED: January 26, 2010

SIMMONDS & NARITA LLP  
TOMIO B. NARITA  
JEFFREY A. TOPOR

By: 

Tomio B. Narita  
Attorneys for Defendants  
Collins Financial Services, Inc. and  
Nelson & Kennard

**VERIFICATION**

1  
2 I, Robert Scott Kennard, state that am authorized to make this verification on  
3 behalf of defendant Nelson & Kennard. I have read the foregoing **DEFENDANT**  
4 **NELSON & KENNARD'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S**  
5 **SPECIAL INTERROGATORIES, SET ONE**, and I know the contents thereof. To  
6 the extent that I have personal knowledge of the facts contained therein, the same are  
7 true and correct. Insofar as the facts are based upon a composite of information of  
8 many individuals, I do not have personal knowledge concerning all of the information  
9 contained in the responses, but I am informed and believe that the matters stated in  
10 said responses for which I do not have personal knowledge are true and correct. I  
11 declare under penalty of perjury that the foregoing is true and correct.

12  
13 Executed on January 26, 2010 at Sacramento, California.

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16 Robert Scott Kennard  
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PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816.

I am readily familiar with the business practices of my employer, Simmonds & Narita LLP, for the processing of correspondence by mailing with the United States Postal Service and that said correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

On this date, I served a copy of the following document:

- 1) **DEFENDANT NELSON & KENNARD'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE**

by causing such document to be mailed to the address indicated below:

VIA U.S. MAIL

Daniel P. Murphy  
4691 Torrey Circle A306  
San Diego, CA 92130  
counsel for Plaintiff

Francis A. Bottini, Brett M. Weaver, Derek J. Wilson  
Johnson Bottini, LLP  
501 West Broadway, Suite 1720  
San Diego, CA 92101  
counsel for Plaintiff

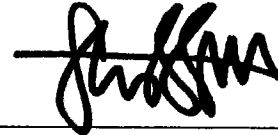
Wayne Call and Kent R. Christensen  
Call & Jensen, P.C.  
610 Newport Center Dr., Suite 700  
Newport Beach, CA 92660

//

//

//

1 I declare under penalty of perjury that the foregoing is true and  
2 correct. Executed at San Francisco, California on this 26th day of January, 2010.

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6 Stephanie Schmitt  
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1 MICHAEL R. SIMMONDS (SBN 96238)  
TOMIO B. NARITA (SBN 156576)  
2 JEFFREY A. TOPOR (SBN 195545)  
SIMMONDS & NARITA LLP  
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[tnarita@snllp.com](mailto:tnarita@snllp.com)  
6 [jtopor@snllp.com](mailto:jtopor@snllp.com)

7 Attorneys for Defendants  
8 Collins Financial Services, Inc. and  
Nelson & Kennard  
9

10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA  
12

13 DAVID TOURGEMAN,

14 Plaintiff,

15 vs.

16 COLLINS FINANCIAL SERVICES,  
17 INC., a corporation; NELSON &  
KENNARD, a partnership, DELL  
18 FINANCIAL SERVICES, L.P., a  
limited partnership; DFS  
19 ACCEPTANCE, a corporation, DFS  
PRODUCTION, a corporation,  
20 AMERICAN INVESTMENT BANK,  
N.A., a corporation; and DOES 1  
21 through 10, inclusive,

22 Defendants.  
23

CASE NO. 08-CV-1392 JLS NLS

**DEFENDANT COLLINS FINANCIAL  
SERVICES, INC.'S SUPPLEMENTAL  
RESPONSE TO PLAINTIFF'S  
REQUESTS FOR PRODUCTION,  
SET ONE**

24 PROPOUNDING PARTY:

Plaintiff DAVID TOURGEMAN

25 RESPONDING PARTY:

Defendant COLLINS FINANCIAL  
SERVICES, INC.

26 SET NO.:

ONE  
27  
28

1 Defendant Collins Financial Services, Inc. ("Defendant") hereby objects and  
2 responds to plaintiff David Tourgeman's ("Plaintiff") Requests for Production of  
3 Documents, Set One as follows:

4  
5 **PRELIMINARY STATEMENT**

6 Defendant has not completed its investigation and discovery in this action.  
7 The responses are based only upon Defendant's knowledge as of the date of these  
8 responses, and are given without prejudice to Defendant's right to produce  
9 subsequently discovered information or documents.

10  
11 **GENERAL OBJECTIONS**

12 The General Objections asserted below shall be deemed to be applicable to  
13 each of Plaintiff's Requests, and are incorporated into each and every specific  
14 response to each Request set forth. Such General Objections are not waived, nor in  
15 any way limited by any further objection to any specific Request.

16 A. Defendant objects to each Request to the extent that it is overbroad and  
17 subjects Defendant to unreasonable and undue annoyance, oppression, burden and  
18 expense and seeks information which is not relevant to the subject matter of this  
19 lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.

20 B. Defendant objects to each Request to the extent that it seeks materials  
21 which are not in the possession, custody or control of Defendant and/or which are  
22 equally or more readily available to Plaintiff.

23 C. To the extent that any Request, Definition or Instruction may be construed  
24 as requiring Defendant to characterize documents or their contents or to speculate as  
25 to what documents may or may not show, Defendant objects to such Request as  
26 vague, ambiguous and calling for legal conclusions and speculation.

27 D. Defendant objects to each Request to the extent it seeks information which  
28 constitutes, reflects, or contains communications between counsel and Defendant on



1 the grounds that such communications are protected from discovery by virtue of the  
2 attorney-client privilege, the joint defense privilege, or any other recognized privilege  
3 or immunity. Defendant further objects to each Request to the extent it calls for  
4 information that may reflect or contain attorney work product, on the grounds that  
5 such information is protected from discovery by virtue of the attorney work product  
6 doctrine.

7 E. Defendant objects to each and every Request to the extent that it seeks  
8 proprietary information, trade secrets, or information subject to protective orders,  
9 confidentiality agreements, or statutory provisions that bar the disclosure of that  
10 information without the consent of third parties.

11 F. In responding to Plaintiff's Requests, to the extent not otherwise objected  
12 to, Defendant has used reasonable diligence to locate responsive documents and  
13 things. To the extent Plaintiff seeks to require Defendant to do more than that,  
14 Defendant objects to each Request, on the grounds it is overly broad, oppressive and  
15 unduly burdensome.

16 G. Defendant objects to each and every Request to the extent such Requests  
17 seek to impose obligations beyond those permitted under the Rules of Civil  
18 Procedure.

19 H. Defendant objects to each and every Request to the extent such Requests  
20 call for production of pleadings or other materials already produced in this case.

21 I. Defendant objects to Plaintiff's definitions of the defined terms  
22 "COLLINS," "YOU" and "YOUR" as overbroad, vague and ambiguous, and to the  
23 extent that by using such terms as defined by Plaintiff, Plaintiff seeks documents not  
24 in the possession, custody or control of Defendant.

25 //

26 //

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**SUPPLEMENTAL RESPONSES TO**  
**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**DOCUMENT REQUEST NO. 3:**

Please produce ALL DOCUMENTS CONCERNING the duties and responsibilities of COLLINS employees who receive, maintain, and send data regarding alleged debts.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 3:**

Defendant objects to this Request on the grounds that it is vague and ambiguous as phrased. Defendant also objects to this Request on the grounds that, as Defendant understands it, the Request is overbroad, unduly burdensome and oppressive, and to the extent that it seeks information which is not relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff does not claim that his account data was altered by Collins because the firm used inadequate procedures for "receiving" information relating to his debt. Rather, Plaintiff alleges that he paid Dell in full for his computer before the account was ever sold to Collins. Any information concerning his account was, according to Plaintiff's theory, already inaccurate when it was sold to Collins. The company's procedures for receiving data from its sellers would not be relevant.

Subject to the forgoing objections, Defendant responds as follows: Collins does not "receive, maintain or send data" relating to alleged debts so it has no responsive documents.

**DOCUMENT REQUEST NO. 4:**

Please produce ALL DOCUMENTS that RELATE TO YOUR policies and guidelines for investigating alleged debts.

1 **SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 4:**

2 Defendant objects to this Request on the grounds that it is vague and  
 3 ambiguous as to the phrase “investigating alleged debts.” Defendant also objects to  
 4 this Request on the grounds that, based on Defendant’s understanding of its meaning,  
 5 the Request is overbroad, unduly burdensome and oppressive, and to the extent that it  
 6 seeks information which is not relevant to the subject matter of this lawsuit, nor  
 7 reasonably calculated to lead to the discovery of admissible evidence. Defendant  
 8 further objects to the extent that it seeks proprietary information, trade secret  
 9 information, information subject to protective orders, confidentiality agreements, or  
 10 statutory provisions that bar the disclosure of that information without the consent of  
 11 third parties and to the extent that it seeks information subject to the attorney-client  
 12 privilege or the attorney work product doctrine.

13 Subject to and without waiving the forgoing objections or the General  
 14 Objections, Defendant responds as follows: Assuming that Plaintiff seeks  
 15 information related to the due diligence process employed by Collins with respect to  
 16 its purchase of debt portfolios, no such documents exist.

17  
 18 **DOCUMENT REQUEST NO. 14:**

19 Please produce ALL DOCUMENTS that RELATE TO YOUR investigation of  
 20 Plaintiff David Tourgeman’s alleged debt.

21 **SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 14:**

22 Defendant objects to this Request on the grounds that it is vague and  
 23 ambiguous as to the term “investigation.”

24 Subject to and without waiving the forgoing objection or the General  
 25 Objections, Defendant responds as follows: Assuming that Plaintiff seeks  
 26 information related to the due diligence process with respect to its purchase of the  
 27 Dell portfolio at issue, no such documents exist.

**DOCUMENT REQUEST NO. 21:**

Please produce ALL DOCUMENTS that RELATE TO an investigation of COLLINS by an AGENCY for violations of California Unfair Competition Laws, the Federal [sic] Debt Collection Practices Act and the Rosenthal Act.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 21:**

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the term "an investigation." Defendant also objects to this Request on the grounds that it seeks information which is not relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the forgoing objection or the General Objections, Defendant responds as follows: Defendant has never been investigated by any agency for any alleged violation of the California Unfair Competition Law, the FDCPA or the Rosenthal Act. No responsive documents exist.

**DOCUMENT REQUEST NO. 27:**

Please produce ALL DOCUMENTS that RELATE TO the contractual relationship between YOU and Dell Financial Services, Inc. - including any of its past or present agents, employees, representatives, attorneys, accountants, investigators, assigns, subsidiaries, or parent companies, predecessors-in-interest, successors-in-interest, affiliates, or anyone else acting on Dell Financial Services, Inc.'s behalf.

**SUPPLEMENTAL RESPONSE TO DOCUMENT REQUEST NO. 27:**

Defendant objects to this Request on the grounds that it is overbroad, unduly burdensome and oppressive, and to the extent that it seeks information which is not relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this Request to the extent that it seeks proprietary information, trade secret information, information

1 subject to protective orders, confidentiality agreements, or statutory provisions that  
2 bar the disclosure of that information without the consent of third parties.

3 Subject to and without waiving the forgoing objections or the General  
4 Objections, Defendant has produced a copy of the purchase and sale agreement  
5 relating to Plaintiff's account.

6  
7 DATED: January 26, 2010

SIMMONDS & NARITA LLP  
MICHAEL R. SIMMONDS  
TOMIO B. NARITA  
JEFFREY A. TOPOR

8  
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10  
11 By: 

12 Tomio B. Narita  
13 Attorneys for Defendants  
14 Collins Financial Services, Inc. and  
15 Nelson & Kennard  
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PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816.

I am readily familiar with the business practices of my employer, Simmonds & Narita LLP, for the processing of correspondence by mailing with the United States Postal Service and that said correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

On this date, I served a copy of the following document:

1) **DEFENDANT COLLINS FINANCIAL SERVICES, INC.'S  
SUPPLEMENTAL RESPONSE TO PLAINTIFF'S REQUESTS  
FOR PRODUCTION, SET ONE**

by causing such document to be mailed to the address indicated below:

VIA U.S. MAIL

Daniel P. Murphy  
4691 Torrey Circle A306  
San Diego, CA 92130  
counsel for Plaintiff

Francis A. Bottini, Brett M. Weaver, Derek J. Wilson  
Johnson Bottini, LLP  
501 West Broadway, Suite 1720  
San Diego, CA 92101  
counsel for Plaintiff

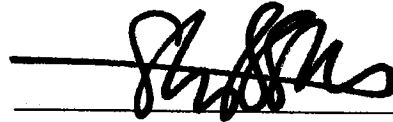
Wayne Call and Kent R. Christensen  
Call & Jensen, P.C.  
610 Newport Center Dr., Suite 700  
Newport Beach, CA 92660

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1 I declare under penalty of perjury that the foregoing is true and  
2 correct. Executed at San Francisco, California on this 26th day of January, 2010.

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4 A handwritten signature in black ink, appearing to read 'Stephanie Schmitt', is written over a horizontal line.

5 Stephanie Schmitt  
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1 MICHAEL R. SIMMONDS (SBN 96238)  
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3 JEFFREY A. TOPOR (SBN 195545)  
4 SIMMONDS & NARITA LLP  
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8 Facsimile: (415) 352-2625  
9 msimmonds@snllp.com  
10 tnarita@snllp.com  
11 jtopor@snllp.com

12 Attorneys for Defendants  
13 Collins Financial Services, Inc. and  
14 Nelson & Kennard

15 UNITED STATES DISTRICT COURT  
16 SOUTHERN DISTRICT OF CALIFORNIA

17 DAVID TOURGEMAN,

18 Plaintiff,

19 vs.

20 COLLINS FINANCIAL SERVICES,  
21 INC., a corporation; NELSON &  
22 KENNARD, a partnership, DELL  
23 FINANCIAL SERVICES, L.P., a  
24 limited partnership; DFS  
25 ACCEPTANCE, a corporation, DFS  
26 PRODUCTION, a corporation,  
27 AMERICAN INVESTMENT BANK,  
28 N.A., a corporation; and DOES 1  
through 10, inclusive,

Defendants.

CASE NO. 08-CV-1392 JLS NLS

**DEFENDANT COLLINS FINANCIAL  
SERVICES, INC.'S SUPPLEMENTAL  
RESPONSE TO PLAINTIFF'S  
SPECIAL INTERROGATORIES, SET  
ONE**

PROPOUNDING PARTY:

Plaintiff DAVID TOURGEMAN

RESPONDING PARTY:

Defendant COLLINS FINANCIAL  
SERVICES, INC.

SET NO.:

ONE



1 Defendant Collins Financial Services, Inc. ("Defendant") hereby objects and  
2 responds to plaintiff David Tourgeman's ("Plaintiff") Special Interrogatories, Set One  
3 as follows:

4  
5 **PRELIMINARY STATEMENT**

6 Defendant has not completed its investigation and discovery in this action.  
7 The responses herein are based only upon Defendant's knowledge as of the date of  
8 these responses, and are given without prejudice to Defendant's right to produce  
9 subsequently discovered information or documents.

10  
11 **GENERAL OBJECTIONS**

12 The following general objections are expressly incorporated into each of the  
13 specific responses set forth below:

14 A. Defendant objects to producing any information or documents which  
15 constitute, reflect, or contain communications with counsel on the grounds that such  
16 communications are protected from discovery by virtue of the attorney-client  
17 privilege and/or the joint defense privilege. Defendant further objects to each  
18 interrogatory to the extent that it calls for information or documents which reflect or  
19 contain attorney work product on the grounds that such information or documents are  
20 protected from discovery by virtue of the attorney work product doctrine.

21 B. Defendant objects to each interrogatory to the extent that it is overbroad  
22 and subjects Defendant to unreasonable and undue annoyance, oppression, burden,  
23 and expense, and seeks information which is not relevant to the subject matter of this  
24 lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence.

25 C. Defendant objects to each interrogatory to the extent that it seeks materials  
26 or information which are not in the possession, custody or control of Defendant,  
27 and/or which are equally or more readily available to Plaintiff.

1 D. Defendant objects to each interrogatory to the extent that it is  
2 unreasonably cumulative and duplicative of other discovery in this action.

3 E. Defendant objects to each and every interrogatory to the extent that it  
4 seeks proprietary information, trade secrets, or information subject to protective  
5 orders, confidentiality agreements, rights of privacy or statutory provisions that bar  
6 the disclosure of that information without the consent of third parties.

7 F. Defendant objects to Plaintiff's "Instructions" and each and every  
8 interrogatory to the extent that they seek to impose burdens upon Defendant in excess  
9 of what is required under the Federal Rules of Civil Procedure.

10 G. Defendant objects to Plaintiff's definitions of the defined terms  
11 "COLLINS," "YOU" and "YOUR" as overbroad, vague and ambiguous. Unless  
12 otherwise indicated, all responses are made solely on behalf of Collins Financial  
13 Services, Inc.

14

15 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

16

17 **INTERROGATORY NO. 3:**

18 Please state the form of COLLINS' organization, including all subsidiaries and  
19 affiliates, and the date and place the organization was organized and registered and/or  
20 licensed to do business.

21 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

22 Subject to and without waiving the General Objections, Defendant responds as  
23 follows: Defendant is a Texas corporation incorporated in 1996. Pursuant to Federal  
24 Rule of Civil Procedure 33(d), Defendant will produce its 2009 Compliance Report  
25 which indicates its various business licenses.

26

27 **INTERROGATORY NO. 7:**

28 Please describe COLLINS' procedures and policies for determining the amount

1 COLLINS demands from alleged debtors, including but not limited to, the method of  
2 calculating the principal owed, interest assessed and penalties applied,

3 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

4 Subject to the General Objections, Defendant responds as follows: Assuming  
5 that Plaintiff seeks information related to the origin of the amount of the demand  
6 made in the collection complaint filed against Plaintiff on behalf of Collins, the  
7 amount of the debt was obtained from the data transferred to Defendant by the  
8 original creditor. Defendant did not "calculate" the principal amount due, nor did it  
9 assess interest or penalties. Defendant relied upon Nelson & Kennard to seek the  
10 appropriate amount of statutory interest on the Plaintiff's account from the date of  
11 charged off, April 19, 2004.

12  
13 **INTERROGATORY NO. 11:**

14 Did COLLINS make any substantive change in company policy from July 31,  
15 2006 to the present? If so, please identify and describe any substantive changes  
16 COLLINS made – from July 31, 2006 to the present – to any COLLINS policy or  
17 procedure in an effort to comply with the provision of the Federal [sic] Debt  
18 Collection Practices Act.

19 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

20 No.

21  
22 **INTERROGATORY NO. 13:**

23 Please identify COLLINS' policies and procedures for when a 1692g notice is  
24 returned to COLLINS undelivered.

25 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:**

26 Collins does not send section 1692g notices, so it does not have policies and  
27 procedures responsive to this interrogatory. Subject to and without waiving the  
28 forgoing objections or the General Objections, pursuant to Federal Rule of Civil

1 Procedure 33(d), Defendant has already produced documents related to Paragon Way,  
2 Inc.'s policies and procedures for when a 1692g notice is returned to Paragon Way,  
3 Inc.

4  
5 **INTERROGATORY NO. 15:**

6 Please identify all trade associations relating to debt collection to which  
7 COLLINS belongs.

8 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:**

9 Defendant objects to this Interrogatory on the grounds that it is overbroad,  
10 unduly burdensome and oppressive, and to the extent that it seeks information which  
11 is not relevant to the subject matter of this lawsuit, nor reasonably calculated to lead  
12 to the discovery of admissible evidence. Subject to and without waiving the forgoing  
13 objections or the General Objections, Defendant responds as follows:

14 Defendant is a member of the Debt Buyers Association, ACA International and  
15 the National Association of Retail Collection Attorneys.

16  
17 **INTERROGATORY NO. 17:**

18 Please describe the position at COLLINS that prepares the affidavit authorizing  
19 legal action against an alleged debtor, including but not limited to the position's  
20 duties, responsibilities, job requirements, and the number of people who perform this  
21 task for COLLINS.

22 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17:**

23 No person employed by Defendant prepares any "affidavit authorizing legal  
24 action against an alleged debtor." There are no such affidavits and no such position.

25  
26 **INTERROGATORY NO. 20:**

27 If COLLINS' response to Plaintiff David Tourgeman's Requests for Admission  
28 (Set One) Request 11 served concurrently with Plaintiff David Tourgeman's Special

1 Interrogatories is anything other than an unqualified admission, please explain the  
2 basis for COLLINS' denial.

3 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:**

4 Subject to the General Objections, Collins responds as follows: Defendant  
5 denied Request for Admission No. 11 ("Please admit that Collins Financial Services,  
6 Inc. does not verify current contact information prior to initiating collections or suing  
7 a debtor") on the grounds that Collins does not initiate collections or sue debtors.  
8 Rather, collection agencies or law firms are engaged in order to collect and/or sue.  
9 Despite this, pursuant to Federal Rule of Civil Procedure 33(d), Defendant has agreed  
10 to produce documents related to Paragon Way, Inc.'s process for verifying current  
11 contact information prior to initiating collections or suing a debtor. Collins  
12 understands that the law firms retained by Paragon Way, Inc. are responsible for  
13 seeking to verify a debtor's contact information prior to filing suit.

14  
15 DATED: January 26, 2010

SIMMONDS & NARITA LLP  
MICHAEL R. SIMMONDS  
TOMIO B. NARITA  
JEFFREY A. TOPOR

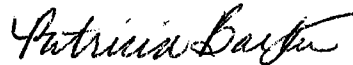
16  
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19 By: 

20 Tomio B. Narita  
21 Attorneys for Defendants  
22 Collins Financial Services, Inc. and  
23 Nelson & Kennard  
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**VERIFICATION**

I, Patricia Baxter, state that am authorized to make this verification on behalf of defendant Collins Financial Services, Inc. I have read the foregoing **DEFENDANT COLLINS FINANCIAL SERVICES, INC.'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE**, and I know the contents thereof. To the extent that I have personal knowledge of the facts contained therein, the same are true and correct. Insofar as the facts are based upon a composite of information of many individuals, I do not have personal knowledge concerning all of the information contained in the responses, but I am informed and believe that the matters stated in said responses for which I do not have personal knowledge are true and correct. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 25, 2010 at Austin, Texas.



Patricia Baxter

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816.

I am readily familiar with the business practices of my employer, Simmonds & Narita LLP, for the processing of correspondence by mailing with the United States Postal Service and that said correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

On this date, I served a copy of the following document:

1) **DEFENDANT COLLINS FINANCIAL SERVICES, INC.'S  
SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SPECIAL  
INTERROGATORIES, SET ONE**

by causing such document to be mailed to the address indicated below:

VIA U.S. MAIL

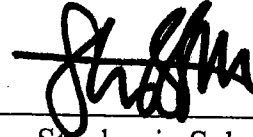
Daniel P. Murphy  
4691 Torrey Circle A306  
San Diego, CA 92130  
counsel for Plaintiff

Francis A. Bottini, Brett M. Weaver, Derek J. Wilson  
Johnson Bottini, LLP  
501 West Broadway, Suite 1720  
San Diego, CA 92101  
counsel for Plaintiff

Wayne Call and Kent R. Christensen  
Call & Jensen, P.C.  
610 Newport Center Dr., Suite 700  
Newport Beach, CA 92660

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1 I declare under penalty of perjury that the foregoing is true and  
2 correct. Executed at San Francisco, California on this 26th day of January, 2010.

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6 Stephanie Schmitt  
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